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Of Attorneys for Lisa J. Ludwig and
Tiffany A. Harris

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON PAUL SCHAEFER,

Defendant.

No. 3:17-cr-00400-HZ

DECLARATION OF LISA J. LUDWIG IN
SUPPORT OF MOTION TO WITHDRAW
AS STAND-BY COUNSEL
FOR DEFENDANT

I, Lisa J. Ludwig, declare the following to be true to the best of my knowledge:

1. I currently am stand-by counsel for Defendant. This Declaration is in support of my motion to withdraw. In making this Declaration, I am cognizant of my ethical obligations not to disclose client confidences or attorney-client communications, or to prejudice my client's defense. All of the facts stated herein are based on public information or information that Defendant already has disclosed to this Court.

2. On July 30th, 2018, I was appointed associate counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A for Mr. Schaefer's case. Mr. Todd Bofferding was appointed lead

counsel. On November 20th, 2018, at the client's request Mr. Bofferding was removed as lead counsel and I was elevated to lead counsel.

3. On November 20, 2018, Tiffany Harris was appointed as co-counsel to help prepare for trial set with Judge Hernandez on January 14, 2019.

4. On December 20, 2018, I moved to withdraw as attorney for Defendant based on his request that I file such a motion and my understanding that Defendant had fired me.

5. On December 23, 2018, this Court ordered that Defendant be committed to a suitable facility in order to determine his competency.

6. On December 29, 2018, Defendant filed a lawsuit against me in United States District Court for the District of Oregon, 3:18-CV-02188-SI. The claim was based on my conduct in this lawsuit.

7. On or around January 18, 2019, Defendant filed a motion to voluntarily dismiss his lawsuit against me without prejudice, stating that he was "unfamiliar with jurisdictional elements of his claims at the time of the filing of the complaint, and does intend to refile the complaint with the appropriate state court." That document is attached as Exhibit 1 to this Declaration. Judge Simon dismissed the complaint without prejudice on January 29, 2019.

8. It is my understanding that this Court did not rule on my motion to withdraw because of the pending competency determination. On April 2, 2019, this Court held a hearing and found Defendant competent to stand trial and granted his request to represent himself, upon a finding that it was knowingly and intelligently made. This Court appointed me stand-by counsel over Mr. Schaefer's objection, and Ms. Harris was permitted to remain as my co-counsel through the trial preparation phase. I do not have a transcript of the April 2, 2019 hearing, but I recall Mr.

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Schaefer stating in open court that he objected to my continued appointment because he intends to sue me and Ms. Harris for malpractice in Multnomah County Circuit Court.

9. Trial in this case is scheduled to begin May 6, 2019.

10. On April 2, 3 and 4, 2019, Ms. Harris and I conferred with each other, and with the Professional Liability Fund, and the Oregon State Bar. The PLF retained counsel to assist us. We now seek an order from the court permitting us to withdraw for professional considerations. Oregon Rule of Professional Conduct 1.16(a)(1) requires me to withdraw if my continued representation would result in violation of the Rules of Professional Conduct. I believe my continued representation likely violates ORPC 1.7(a)(2), which precludes me from representing a client if there is a significant risk that my representation will be materially limited by my own interests. Because I am no longer attorney of record, but acting only as stand-by counsel, and because this Court ruled that Mr. Schaefer is competent to represent himself, I believe my withdrawal can be accomplished without a material adverse effect on my client's interests.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this 10th day of April, 2019.

By: /s/ Lisa J. Ludwig
Lisa J. Ludwig, OSB No. 953387

FILED 18 JAN 19 10:50 USC-CRP

United - States Court

District of Oregon

Jason Paul Schaefer,
Plaintiff,Civil Action
No. 3:18-cv-02188-SJ

v.

Lisa Jane Ludwig,
DefendantMotion to Dismiss
Without Prejudice

Plaintiff pro-se Jason Schaefer hereby seeks to withdraw this civil action after the determination that it may best be submitted to the State Courts.

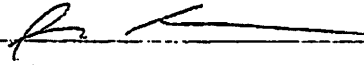
Plaintiff was unfamiliar with jurisdictional elements of his claims at the time of the filing of the complaint, and does intend to refile the complaint with the appropriate State Court.

In the event the complaint is determined to have been properly placed in Federal Court for any reason, the plaintiff reserves the right to resubmit the claims to those Courts.

For these reasons, the associated civil rights complaint should be dismissed without prejudice.

Sworn and Certified to be true and correct
upon penalty of perjury, 1/15/19.

Jason Schaefer



Jason Paul Schaefer 806826

11540 NE Inverness Dr.

Portland, Oregon 97220

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2019, I served the foregoing

DECLARATION OF LISA J. LUDWIG IN SUPPORT OF MOTION TO WITHDRAW

STAND-BY COUNSEL FOR DEFENDANT on the following parties at the following addresses:

Lisa J. Ludwig
Ludwig Runstein LLC
333 SW Taylor Street, Suite 300
Portland, OR 97204

Benjamin Tolkoff
Natalie K. Wight
William M. Narus
US Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, OR 97204

Tiffany A. Harris
Tiffany A. Harris, Attorney at Law
333 SW Taylor Street, Suite 300
Portland, OR 97204

by electronic means through the Court's Case Management/Electronic Case File system.

I further certify that on the 10th day of April, 2019, I served the foregoing

DECLARATION OF LISA J. LUDWIG IN SUPPORT OF MOTION TO WITHDRAW

STAND-BY COUNSEL FOR DEFENDANT on the following party at the following address:

Jason Schaefer
SWIS # 806826
c/o MCDC
1120 SW Third Avenue
Portland, Oregon 97294

by mailing to him a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed to him at the address set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid.

/s/ Matthew J. Kalmanson
Matthew J. Kalmanson, OSB No. 041280